GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes Department – Surprise check conducted by Anti Corruption Bureau on Integrated Check Post, Purushottapuram (Itchapuram), Srikakulam District on 24-11-2007 – Certain irregularities noticed – Charges framed against twelve (12) Charged Officers – Inquiry – Findings of Inquiry Authority not accepted – Suomoto review under Rule 40 of Andhra Pradesh Civil Services (Classification Control & Appeal) Rules, 1991 conducted – Show Cause Notice issued to Sri P.Phalguna Rao, Junior Assistant (Charged Offocer-1) – Representation received– Imposing punishment of stoppage of two increments without cumulative effect against Sri P.Phalguna Rao Junior Assistant – Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.187 **Dated:19-02-2016**

Read the following:

1. From DG, ACB, AP, Hyd, Lr.No.87/DE-S-VSK/07, dt.26-9-2008.
2. Govt.memo No.53382/Vig.I(2)/2008-1, dt.11-11-2008.
3. Charge memo No.897/2008-1/A7, dated 27-12-2008 of DC, (CT), Visakhapatnam (AOCs).
4. Explanation submitted by Sri P.Phalguna Rao, former Jr Asst, ICP,Purushottapuram.
5. Proc.No.897/2008-1/A7, dt.25-03-2009 of DC (CT), Visakhapatnam.
6. Rc.No.172/2010 C3, dt.24-08-2010 of AC (CT) (Audit), Vizianagaram (IR).
7. Proc.No.172/2010 C3, dt.24.10.2013 of DC(CT),Visakhapatnam.
8. Rc.No.897/08 A7, dt.05-01-2011, of DC(CT) Visakhapatnam,.
9. From CCT, AP., Hyd., Lr.No.V3/1618/2008, dated 25-01-2011.
10. Govt.memo No.53382/Vig.I(2)/2008-6, dt.02-08-2013.
11. Govt Memo No.53382/Vig.II(3)/2008-9, dated 31-08-2015 of DC, (CT), Visakhapatnam (Show Cause Notice).
12. Representation dt.NIL of Sri P.Phalguna Rao, former Jr Asst, O/o ICP Purushottapuram and present ACTO, Anakapalli on deputation to ICP,Pushottapuram.

***

O R D E R :

Whereas in the reference 1st read above, it has been brought to the notice of the Government that the Anti Corruption Bureau officials have conducted a surprise check over the Integrated Check Post, Purushottapuram, (Itchapuram), Srikakulam District on 24-11-2007 on the allegations that the Staff of Commercial Taxes Department are indulging in corrupt practices and recommended to initiate disciplinary action against (1) Sri P.Phalguna Rao, Junior Assistant (Charged Officer-1) and Eleven (11) others.

2. And whereas, as per the instructions issued by the Government in the reference 2nd read above, the Deputy Commissioner (Commercial Taxes), Visakhapatnam and Disciplinary Authority has initiated disciplinary action against the Charged Officers and framed the following two charges against (1) Sri P.Phalguna Rao, former Junior Assistant, O/o Integrated Check Post, Pushottapuram (Charged Officer-1), vide reference 3rd read above :

Charge-I :- The Charged Officer collected illegal gratification varying from Rs.50/- to 100/- from the crew of the transport vehicles passing through the Integrated Check Post by putting them under instant threat of detaining their vehicles and an amount of Rs.1,200/- was found on his table under the monitor of the computer at main hall at the transit pass issue counter of

Contd., 2

Commercial Tax during the surprise check on 24-11-2007 which was collected from them.

Charge-II :- The Charged Officer collected Rs.5,350/- as mamools illegally on his behalf for himself and on behalf of other officials of Commercial Tax Department from the crew of transport vehicles passing through the check post on 24-11-2007 during the surprise check and failed to maintain absolute integrity in violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

3. The Deputy Commissioner (Commercial Taxes), Visakhapatnam and disciplinary authority examined the Written Statement of Defense submitted by the Accused Officers and as the same are not convincing got the matter enquired through Regular Enquiry by appointing Inquiry Authority vide reference 5th read above. The Inquiry Authority after conducting due enquiry into the matter has submitted the Inquiry Report in respect of all the Accused Officers, vide reference 6th read above. The disciplinary authority after examining the Inquiry Report has dropped further action against Sri P.Phalguna Rao, former Junior Assistant (Accused Officer–1) along with 9 others vide reference 7th read above.

4. The Government have carefully examined the above case in detail and observed that the charges framed against the Accused Officer is on the allegations that he is collecting illegal gratification / mamools from the crew of transport vehicles passing through the check post by putting them under instant threat of detaining their vehicles and that an amount of Rs.1,200/- has been found on his table under the monitor of the computer and another allegation is that he collected an amount of Rs.5,350/- as mamools illegally from the crew of the vehicles which are grave in nature. The findings of the Inquiry Authority that throwing of money ranging from Rs.10/- to Rs.100/- by the crew of the vehicles is only a practice of the crew, attributing the same as fault of the system, and that the Check Post staff cannot be put to fault as they neither demanded nor collected the amounts is not correct.

5. It is inconvincible that the transporters would offer cash on their own in a routine matter unless the corrupt practice is put in place by the check post staff and as such it is held that the controlling officers, i.e., Sri Y.Manmadha Rao (Accused Officer-3) and Sri M.Satyanarayana, (Accused Officer-2) Assistant Commercial Tax Officers are collectively responsible for such nefarious activities. Though it is not possible to pin point the guilt of any single Accused Officer, it has been decided by the disciplinary authority to impose punishment against Sri Y.Manmadha Rao, Assistant Commercial Tax Officer (Accused Officer-3) and action was taken against Sri M.Satyanarayana, Assistant Commercial Tax Officer (Accused Officer-2) by the Government under Andhra Pradesh Revised Pension Rules, 1980 as he has retired from service. The main allegation for initiating departmental action is for collection of illegal gratification from crew of vehicles passing through the Check Post and the said irregularity is alleged to have been committed by Sri P.Phalguna Rao former Junior Assistant (Accused Officer–1), hence, it is considered that charges framed are grave in nature and have to be dealt in firmly.

6. The Government keeping in view of the above circumstances and the facts of the case have disagreed with the findings of the Inquiry Authority in respect of Sri P.Phalguna Rao, former Junior Assistant (Accused Officer–1) and accordingly in exercise of powers conferred under Rule 40 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 have taken up the issue under Suo motto revision duly setting aside the proceedings No.897/2008 A7, dated 24-10-2013, of Deputy Commissioner, (Commercial Taxes) Visakhapanam in reference 7th read

Contd., 3

above, as the Accused Officer has wilfully contravened the provisions of the Andhra Pradesh Civil Services (Conduct) Rules, 1991, and Sri.P.Phalguna Rao, former Junior Assistant (Accused Officer-1) has been issued a Show Cause Notice vide ref 11th read above to explain why action shall not be taken against him for the irregularities noticed. Sri.P.Phalguna Rao (Accused Officer-1) has submitted his explanation in reference 12th read above which has no fresh grounds to examine.

7. Government have examined the matter in detail and decided and here by order to impose a penalty of stoppage of two(2) annual grade increments without cumulative effect against Sri Sri.P.Phalguna Rao, former Junior Assistant, O/o Integrated Check Post, Purushottapuram for the irregularities noticed during the surprise check on Integrated Check Post, Purushottapuram (Itchapuram), Srikakulam, on 24.11.2007.

8**.** The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri P.Phalguna Rao, former Junior Assistant, O/o ICP,Purushottapuram.
through the Commissioner of Commercial Taxes, Andhra Pradesh Hyderabad
The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad
(with a request to serve the G.O on the individual and send the served copy with dated signature to Government)

Copy to:
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Hyderabad.
The Director General., Anti-Corruption Bureau, Andhra Pradesh, Hyderabad.
The Deputy Commissioner, Commercial Taxes, Visakhapatnam.
SF / SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER